

THE CENTER FOR PUBLIC INTEGRITY

910 17th Street NW, 7th Floor, Washington, DC 20006

May 2, 2016

Mr. Larry Gottesman
U.S. Environmental Protection Agency
% National FOIA Records Officer

Dear Mr. Gottesman,

Pursuant with FOIA, we hereby request machine-readable copies of the records described below for the last **TEN years** on record for **all EPA Regions 1-10, as it relates specifically to implementation of the Clean Air Act.**

Please refer to the PDF document attached to this request, an EPA policy document dated December 12, 2013 and titled, ***“National Strategy for Improving Oversight of State Enforcement Performance,”*** for greater detail. The policy document outlines EPA’s “Escalation Approach to Problem-Solving” enforcement issues at the state and regional level.

Specifically, I seek the following:

- Records of withdrawal of authorization of a state/local program relating to implementation of the Clean Air Act, including temporary or partial withdrawal. EPA policy dictates that “temporary or partial withdrawal of a program” or “full program withdrawal” may be taken in “extremely rare circumstances “until such time as the state once again meets authorization or delegation requirements. It is designated as a Tier 4 action in EPA’s escalated approach to dealing with state enforcement shortfalls. (See pg. 6, under “Tier 4: Escalating EPA Action”)
- Requests from external stakeholders (e.g. private activist groups like Sierra Club, Environmental Working Group, etc.) for EPA to withdraw or rescind delegated Clean Air Act authority to states/local agencies. This includes temporary or partial withdrawals.
- Records of withholding, including temporary or partial, of any grants or EPA federal funding as it relates to implementation of the Clean Air Act on a state/local level. EPA policy dictates that “withholding grant dollars to evoke a particular change in performance” as a Tier 4 action in EPA’s escalated approach to state enforcement shortfalls. (See pg. 6, under “Tier 4: Escalating EPA Action”)
- Records outlining, quantifying or analyzing all “overfiling” actions taken by EPA in regards to implementation of the Clean Air Act. “Overfiling” is

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designated as a Tier 4 escalated action “where a state fails to take appropriate action on a particular enforcement matter.” EPA can initiate enforcement actions against a SIP (State Implementation Plan) violator under Section 113 of the Clean Air Act, which dictates potential enforcement actions. (See pg. 6, under “Tier 4: Escalating EPA Action”)

Whenever possible, please provide all records in machine-readable format such as, but not limited to:

- (1) comma-separated values, Excel and other delimited data files (e.g. .csv, .xls)
- (2) text or word processing files (e.g. .txt, .doc, .docx)
- (3) machine-readable PDFs

Please provide all documentation necessary to properly and accurately review the records, including data dictionaries, code sheets, record layouts, etc.

We ask that you provide records on a ROLLING basis to speed up the overall processing of this request.

If any portion of any record is withheld, please release all other segregable parts and specify in writing the relevant statutory exemption(s) claimed. Additionally, please describe each record withheld, including its date and size (e.g. amount of electronic memory or number of paper pages).

If my request is denied in its entirety, please specify the statutory reason(s) for denial, along with information on the appeals process and appropriate contact information to which an appeal should be addressed to.

If total fees are projected to exceed \$25, inform me before you fill the request.

To the extent permitted under the open records law, we request that you waive or reduce any search, review, or duplication fees that might apply. The Center for Public Integrity is a nonprofit news media organization and release of the requested information will inform the public and serve the public interest.

Please feel free to contact me about any aspect of this request. In principle, the Center is willing to consider ways in which the request might reasonably be narrowed.

Thank you in advance for your diligence and compliance with FOIA.

Best regards,

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